

## UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA )

v. )

Case No. 13 mj 792 AJB

SEVERO DE SANTIAGO DE LA CRUZ )

A/K/A FEDERICO ANTONIO OCAMPO-NAVA, )

## CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about October 30, 2013, in Lyon County, in the State and District of Minnesota, defendant(s)

an alien who had previously been removed from the United States on or about September 13, 2006, subsequent to a conviction for an aggravated felony, namely, a conviction on or about September 5, 2006, in Nobles County District Court, in the State of Minnesota, for Terroristic Threats-Brandishing a Firearm, knowingly and unlawfully entered and was found in the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States

in violation of Title 8, United States Code, Section 1326(a) and 1326(b)(2).

I further state that I am a Deportation Officer, U.S. Immigration and Customs Enforcement, and that this complaint is based on the following facts:

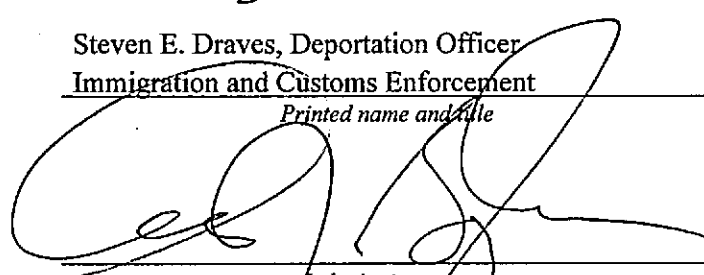
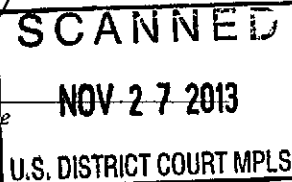
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No  
Complainant's signatureSteven E. Draves, Deportation Officer  
Immigration and Customs Enforcement  
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/27/13

City and state: MINNEAPOLIS, MN

  
Judge's signatureThe Honorable Arthur J. Boylan,  
Chief U.S. Magistrate Judge  
Printed name and title

STATE OF MINNESOTA)

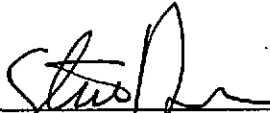
) ss. **AFFIDAVIT OF Steven Draves**

COUNTY OF HENNEPIN)

1. I am employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS). I have been so employed since March 6, 2007. I began my career as a U.S. Customs and Border Protection Officer in March of 2003. On September 14, 2008, I became a Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the cases of aliens in removal proceedings. My duties include the review of alien files for legal sufficiency, detention and release of aliens in ICE custody, monitoring of removal proceedings, and the enforcement of court decisions, including removal from the United States.
3. This affidavit is based on my training, experience, personal knowledge, and my review of official reports and documents related to this investigation. This affidavit is also based on my discussions with other law enforcement officers and agents directly involved in this investigation.
4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant for Severo De Santiago De La Cruz a/k/a Federico Antonio Ocampo-Nava charging him with being an alien who had previously been deported from the United States subsequent to a conviction for an aggravated felony who was found in the United States, and who had knowingly and unlawfully entered the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to reapply for admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2). Accordingly, this affidavit contains only a summary of relevant facts.
5. De Santiago De La Cruz's Alien File (A-file) contains immigration records that confirm he has been previously arrested by immigration authorities and removed from the United States on three (3) prior occasions using the alias Federico Antonio Ocampo-Nava: January 22, 2001, through the Nogales, Arizona port of entry; October 25, 2001, through the El Paso, Texas port of entry; and September 13, 2006, through the Brownsville, Texas port of entry.
6. De Santiago De La Cruz was ordered removed from the United States to Mexico on January 22, 2001, via an Expedited Removal Order under the alias Federico Antonio Ocampo-Nava. On January 22, 2001, De Santiago De La Cruz was removed from the United States to Mexico at the Nogales, Arizona port of entry under the alias Federico Antonio Ocampo-Nava.

7. De Santiago De La Cruz was again removed from the United States to Mexico on October 25, 2001, at the El Paso, Texas port of entry after having his prior order of removal reinstated under the alias Federico Antonio Ocampo-Nava.
8. On September 5, 2006, in the Nobles County, Minnesota District Court, De Santiago De La Cruz was convicted, under the alias Federico Antonio Ocampo-Nava of the offense of Terroristic Threats-Brandishing a Firearm in violation of Minnesota Statute 609.713, Subd. 3 (a)(2) and was sentenced to one year and one day confinement in case 53-CR-06-831.
9. On September 13, 2006, De Santiago De La Cruz was removed from the United States to Mexico at Brownsville, Texas, under the alias Federico Antonio Ocampo-Nava.
10. De Santiago De La Cruz subsequently re-entered the United States at an unknown location on an unknown date.
11. De Santiago De La Cruz was encountered by Immigration and Customs Enforcement on October 30, 2013, while incarcerated in the Lyon County Jail in Marshall, Minnesota for charges related to Driving Without a License. De Santiago De La Cruz was turned over to ICE custody from Lyon County on October 31, 2013.
12. A fingerprint comparison run through an FBI database revealed that the prints from De Santiago De La Cruz's booking on October 30, 2013, matched those found in the criminal records for Ocampo-Nava in case 53-CR-06-831. Additionally, the prints taken on October 30, 2013, matched the fingerprints on the records of removal in De Santiago De La Cruz's/Ocampo-Nava's A-file.
13. Further review of De Santiago De La Cruz's immigration records reveals that subsequent to his removals from the United States on January 22, 2001, October 25, 2001, and September 13, 2006, Severo De Santiago De La Cruz a/k/a Federico Antonio Ocampo-Nava never applied for, nor received, permission to enter the United States from the Attorney General of the United States, or his successor, the Secretary of Homeland Security. De Santiago De La Cruz a/k/a Ocampo-Nava is currently detained in ICE custody, classified as mandatory custody, per INA Section 241(a)(2), codified under Title 8, United States Code, Section 1231(a)(2).
14. Based on these facts, I believe that Severo De Santiago De La Cruz a/k/a Federico Antonio Ocampo-Nava has violated Title 8, United States Code, Sections 1326(a) and 1326(b)(2).

Further Your Affiant Sayeth Not.

  
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Steven E. Draves, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 27<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
The Honorable Arthur J. Boylan  
Chief United States Magistrate Judge